IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 30TH NOVEMBER 2006 / 9TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 4152 of 2006()

CRA.9/2005 of ADDL.SESSIONS COURT,-I, MAVELIKKARA
CC.179/2002 of JUDL.MAGISTRATE OF FIRST CLASS, MAVELIKKARA

REVN. PETITIONER: APPELLANT/ACCUSED:

M. RAJAN, RAJ BHAVAN,
CHUNNAKKARA SOUTH, CHARAMOODU P.O.,
ALAPPUZHA DISTRICT.

BY ADV. SRI.R.REJI
SMT.C.A.AJITHA SALAM

RESPONDENTS: RESPONDENTS:STATE & COMPLAINANT:
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1. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. PUSHPA MOHAN, LALITHA BHAVAN,
KARIPUZHA, MAVELIKKARA.

PUBLIC PROSECUTOR SRI.KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 30/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

CRL.R.P.NO. 4152 OF 2006

Dated this the 30th day of November,2006

O R D E R

Petitioner was found guilty for the offence under Section 138 of the Negotiable Instruments Act and he was convicted and sentenced to undergo simple imprisonment for three months. The petitioner was also directed to pay a sum of Rs.55,000/- as compensation to the complainant. The petitioner challenged the conviction and sentence in appeal. The Appellate Court confirmed the conviction, but modified the sentence. Instead of imprisonment for three months, the appellant was sentenced to undergo imprisonment till the rising of the Court. As against the direction to pay Rs.55,000/- as compensation under Section 357(3) of the Code of Criminal Procedure, the petitioner was directed to pay to the complainant a sum of Rs.60,000/- as compensation and in default, to undergo simple imprisonment for three months. The petitioner challenges the conviction and sentence as imposed by the Appellate Court.

2. The learned counsel for the petitioner submitted that the only prayer is that the petitioner may be afforded a reasonable time to pay the compensation amount. Taking into account the facts and circumstances of the case, I am inclined to grant three months' time to the petitioner to pay the compensation.

In the result, the Criminal Revision Petition is dismissed and the conviction and sentence imposed by the lower Appellate Court are confirmed. However, the petitioner is granted three months' time to pay the compensation amount of Rs.60,000/-. The default sentence shall not be executed for a period of three months.

(K.T.SANKARAN)
Judge

ahz/

K.T.SANKARAN, J.

CRL.M.C.NO. OF

O R D E R

September, 2006